

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

HP INC., a Delaware corporation; and
**HEWLETT-PACKARD DEVELOPMENT
COMPANY, L.P.**, a Texas limited
partnership,

Plaintiffs,

v.

ZTHY TECH INC., a California corporation;
batterymon16, an entity of unknown form;
ehome007, an entity of unknown form;
elecbrain15, an entity of unknown form;
Idallian, an entity of unknown form; **irelia_jt**,
an entity of unknown form; **lol-electronic**, an
entity of unknown form; **shop-siker**, an entity
of unknown form; **shunwei2014**, an entity of
unknown form; **sunflower-electronic**, an
entity of unknown form; **suntek-wireless**, an
entity of unknown form; **yolanda_dh1**, an
entity of unknown form; and **DOES 1
through 20**,

Defendants.

Case No. 19cr7210

~~PROPOSED~~ TEMPORARY
RESTRAINING ORDER FREEZING
ASSETS

[FILED UNDER SEAL]

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.

★ FEB 18 2020 ★

BROOKLYN OFFICE

Plaintiffs HP, Inc.'s and Hewlett-Packard Development Co., L.P.'s ("Plaintiffs") Ex Parte Application seeking a Temporary Restraining Order that freezes assets held in certain PayPal accounts, and other relief, with supporting papers, were presented to this Court. After full consideration of the matter and for good cause shown, Plaintiffs' Application is GRANTED.

FINDINGS OF FACT

Based upon the Declarations filed concurrently with Plaintiffs' *ex parte* application, and the pleadings filed in this matter, the Court makes the following findings of fact:

1. Plaintiffs have filed a Complaint that alleges, *inter alia*, that Defendants have engaged in a scheme through which they offer to sell HP-branded products on eBay.com ("eBay"), and that Defendants sell counterfeit HP products.
2. Plaintiffs are likely to prevail in their lawsuit against Defendants for trademark counterfeiting (15 U.S.C. § 1114) because there is sufficient evidence to support findings that:

Plaintiffs have a protectable ownership interest in various trademarks that are registered with the U.S. Patent and Trademark Office (“Plaintiffs’ Registered Marks”); Defendants have repeatedly sold products that appear identical, or substantially similar to products that are sold by Plaintiffs, which also had Plaintiffs’ Registered Marks affixed to them; these products were not manufactured by Plaintiffs, nor by their authority; Defendants’ unauthorized use of Plaintiffs’ Registered Marks are likely to cause confusion or deception amongst the consuming public as to the products’ origins, and; that these products are “counterfeit,” as that term is defined at 15 U.S.C. § 1116(d)(B)(i).

3. Plaintiffs are likely to establish that Defendants’ trademark counterfeiting was done willfully in that: Defendants were repeatedly provided notice from eBay that they were selling products that infringed upon Plaintiffs’ trademarks, but continued to sell them anyway; Defendants have received numerous notices from its customers who complained through eBay that the products sold by Defendants were inferior, or counterfeit, but continued to sell these products, and; Defendants engaged used false return addresses and took other measures that appear intended to .

4. Defendants have used PayPal to process financial transactions associated with their sale of Plaintiffs-branded products. Defendants’ PayPal accounts are identified by the following email addresses identified in the table, below. In doing these things, Defendants have exhibited behaviors that make it likely that they will seek to avoid legal responsibility that may arise from this lawsuit. Based upon this finding, it is likely that Defendants will attempt to disperse their assets from PayPal to accounts beyond the jurisdiction of the United States, if they were to receive notice that those assets were at risk in this litigation.

6. In the likelihood that Plaintiffs prevails in this action, it will be entitled to an accounting of Defendants’ profits. It is necessary that the assets remain in Defendants’ PayPal accounts to provide for this equitable remedy.

7. An Order, freezing the assets in Defendants’ PayPal accounts is necessary to preserve Plaintiffs’ equitable remedies.

IT IS THEREFORE ORDERED that:

A. PayPal shall prevent the disbursement of any assets held in accounts associated used by the following eBay seller IDs and the corresponding email addresses:

Defendant	Associated E-mail Address(es)
suntek-wireless	stekparts@gmail.com
shop-siker	hksiker@gmail.com
shunwei2014	m13712303112@163.com; jmelectronic2018@hotmail.com
batterymon16	yangcaiping123@hotmail.com
sunflower-electronic	delectronic@163.com; rainhome2015@163.com
lol-electronic	sikermengmeng@163.com;
elecbrain15	344031135@qq.com; elecbrain15@hotmail.com; VanessaXeniatK@yahoo.com
ehome007	mini_tomato@163.com
yolanda_dh1	chf0753@163.com
irelia_jt	Irelia_1@163.com
haobattery.9953	haobattery@hotmail.com
omg_1971	chf0753@163.com

B. PayPal shall still allow the deposit of funds that are destined to those accounts.

C. Within three business days of receiving this Order, PayPal shall notify Plaintiffs, through their counsel, of the balance in each account affected by this Order.

D. Defendants are Ordered to appear in this Court on 3/19/20, at 12:00 O'Clock to show cause why this temporary restraining order should not become a preliminary injunction.

